



**SANTA MARIA PUBLIC AIRPORT DISTRICT
BOARD OF DIRECTORS**

**Thursday
July 9, 2020**

**Virtual Meeting
Zoom Meeting: [Zoom.us](https://zoom.us)
Meeting ID: [820 6332 8775](https://zoom.us/j/82063328775)
Meeting Password: 3217
7:00 P.M.**

**REGULAR MEETING
A G E N D A**

This agenda is prepared and posted pursuant to the requirements of the California Government Code Section 54954.2. By listing a topic on this agenda, the Santa Maria Public Airport District has expressed its intent to discuss and act on each item. The Santa Maria Public Airport District welcomes orderly participation at its meetings from all members of the public. This includes assistance under the Americans with Disabilities Act to provide an equally effective opportunity for individuals with a disability to participate in and benefit from District activities. To request assistance with disability accommodation, please call (805) 922-1726. Notification at least 48 hours prior to the meeting would enable the Santa Maria Public Airport District to make reasonable arrangements to ensure accessibility to this meeting.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Adams, Brown, Rafferty, Engel, Baskett

- 1. MINUTES OF THE REGULAR MEETING HELD JUNE 25, 2020.**
- 2. COMMITTEE REPORT(S):**
 - a) AVIATION SUPPORT & PLANNING (Standing or Ad Hoc)**
 - b) ADMINISTRATION & FINANCIAL (Standing or Ad Hoc)**
 - c) MARKETING & PROMOTIONS (Standing or Ad Hoc)**
 - d) CITY & COUNTY LIAISON**
 - e) STATE & FEDERAL LIAISON**
 - f) VANDENBERG LIAISON**
 - g) BUSINESS PARK COMMITTEE (Ad Hoc)**
- 3. GENERAL MANAGER'S REPORT**
- 4. MANAGER OF FINANCE & ADMINISTRATION REPORT**
 - a) Demand Register**
- 5. DISTRICT COUNSEL'S REPORT. (Joshua George and Natalie Frye Laacke)**

6. **PUBLIC SESSION:** Statements from the public will be heard during public session. Requests requiring board action will be referred to staff and brought on the next appropriate agenda. Members of the public may use the “raise hand” feature to be put in a speaking queue. Public comment will be limited to three (3) minutes. If a speaker continues speaking after being notified of the end of their public comment period, the meeting Host will mute the speaker and move on to the next person in the queue.

Please raise your hand in the following ways:

Telephone: Press “*9” to raise your hand and notify the meeting Host. You will be placed in the queue and unmuted, in order, so that you may provide public comment.

Computer and Mobile: Click the “raise hand” button to notify the Host. You will be placed in the queue and unmuted, in order, so that you may provide public comment.

7. **INTRODUCTION AND PRESENTATION TO THE SECRETARY OF RESOLUTION 892 AMENDING THE SANTA MARIA PUBLIC AIRPORT DISTRICT ADMINISTRATIVE CODE.**
8. **UPDATE ON EFFORTS TO REESTABLISH USER FEE CUSTOMS PRESENTED BY MR. TOM WIDROE.**
9. **CLOSED SESSION.** The Board will hold a Closed Session to discuss the following item(s):
 - a) **Conference with Real Property Negotiators (Chris Hastert, Tom Ross and District Counsel) Re: APN 111-231-11 (Gov. Code Section 54956.8)**
 - b) **Conference with Real Property Negotiators (Chris Hastert and District Counsel) Re: 3455 Airpark Drive (Gov. Code Section 54956.8)**
 - c) **Conference with Legal Counsel-Anticipated Litigation. Initiation of litigation pursuant paragraph (4) of subdivision (d) of Government Code Section 54956.9: 1 case.**
10. **DIRECTORS’ COMMENTS.**
11. **ADJOURNMENT.**

MINUTES OF THE REGULAR BOARD
MEETING OF THE BOARD OF DIRECTORS
OF THE SANTA MARIA PUBLIC AIRPORT
DISTRICT HELD JUNE 25, 2020

The Board of Directors of the Santa Maria Public Airport District held a Regular Meeting via a virtual meeting at 7:00 p.m. Present were Directors Adams, Brown, Rafferty, Engel and Baskett (joined late). General Manager Hastert, Manager of Finance & Administration Reade and District Counsel Frye Laacke.

1. MINUTES OF THE REGULAR MEETING HELD June 11, 2020. Director Rafferty made a Motion to approve the minutes of the regular meeting held June 11, 2020. Director Brown Seconded and it was carried by the following roll call vote. Directors Brown, Rafferty and Engel voted "Yes". Director Adams abstained. Director Baskett was absent for this vote.
2. COMMITTEE REPORT(S):
 - a) AVIATION SUPPORT & PLANNING (Standing or Ad Hoc) – No meeting scheduled.
 - b) ADMINISTRATION & FINANCIAL (Standing or Ad Hoc) – No meeting scheduled.
 - c) MARKETING & PROMOTIONS (Standing or Ad Hoc) – No meeting scheduled.
 - d) CITY & COUNTY LIAISON – The committee met for the quarterly meeting with the City.
 - e) STATE & FEDERAL LIAISON – No meeting scheduled.
 - f) VANDENBERG LIAISON – No meeting scheduled.
 - g) BUSINESS PARK COMMITTEE (Ad Hoc) – No meeting scheduled.
3. GENERAL MANAGER'S REPORT. Mr. Hastert notified the Board that additional parcels of airport property are in the process of being cleaned up.
4. MANAGER OF FINANCE & ADMINISTRATION REPORT.

The Manager of Finance & Administration presented the Demand Register to the Board for review and approval.

 - a) Demand Register. The Demand Register, covering warrants 067975 through 068004 in the amount of \$124,853.81 was recommended for approval as presented. Director Rafferty made a Motion to accept the Demand Register as presented. Director Engel Seconded and it was carried by the following roll call vote. Directors Adams, Brown, Rafferty and Engel voted "Yes". Director Baskett was absent for this vote.
5. DISTRICT COUNSEL'S REPORT. Nothing to report.
6. PUBLIC SESSION: Statements from the public will be heard during public session. Requests requiring board action will be referred to staff and brought on the next appropriate agenda. Members of the public may use the "raise hand" feature to be put in

a speaking queue. Public comment will be limited to three (3) minutes. If a speaker continues speaking after being notified of the end of their public comment period, the meeting Host will mute the speaker and move on to the next person in the queue.

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No one requested to speak.

7. Review and approval of the Budget for fiscal year 2020-2021. Director Rafferty made a Motion to approve. Director Engel Seconded and it was carried by the following roll call vote. Directors Adams, Brown, Rafferty, Engel and Baskett voted “Yes”.
 8. Authorization for the President and Secretary to execute an Air Service Development contract between the District and Mead & Hunt, Inc. Director Rafferty made a Motion to approve. Director Brown Seconded and it was carried by the following roll call vote. Directors Adams, Brown, Rafferty, Engel and Baskett voted “Yes”.
 9. Authorization for the President and Secretary to execute the Sublease Agreement between the District and Destiny Farms, LLC. Director Baskett made a Motion to approve. Director Rafferty Seconded and it was carried by the following roll call vote. Directors Adams, Brown, Rafferty, Engel and Baskett voted “Yes”.
 10. Authorization for the President and Secretary to execute the Sublease Agreement between the District and Valley Farms, Inc. Director Brown made a Motion to approve. Director Baskett Seconded and it was carried by the following roll call vote. Directors Adams, Brown, Rafferty, Engel and Baskett voted “Yes”.
 11. Discussion and direction to staff regarding District Counsel communications. Discussion was held and direction was given to staff.
 12. CLOSED SESSION. At 7:53 p.m. the Board went into Closed Session to discuss the following item(s):
 - a) Conference with Real Property Negotiators (Chris Hastert, Kerry Fenton and District Counsel) Re: 3249 Terminal Drive, Suite 104 (Gov. Code Section 54956.8)
 - b) Conference with Real Property Negotiators (Chris Hastert and District Counsel) Re: 3249 Terminal Drive, Suite 101 (Gov. Code Section 54956.8)
- At 8:10 p.m., the Board and staff reconvened to Open Public Session.
- There were no reportable actions.
13. DIRECTORS’ COMMENTS: Directors Adams, Rafferty, Brown and Baskett had no comment.

Director Engel acknowledged that CJJ was making progress.

14. ADJOURNMENT. President Adams asked for a Motion to adjourn to a Regular Meeting to be held on July 9, 2020 at 7:00 p.m. via a virtual meeting. Director Rafferty made that Motion, Director Engel Seconded and it was carried by the following roll call vote. Directors Adams, Brown, Rafferty, Engel and Baskett voted "Yes".

ORDER OF ADJOURNMENT

This Regular Meeting of the Board of Directors of the Santa Maria Public Airport District is hereby adjourned at 8:12 p.m. on June 25, 2020.

Chuck Adams, President

Hugh Rafferty, Secretary

2019-2020

**DEMAND REGISTER
SANTA MARIA PUBLIC AIRPORT DISTRICT**

Full consideration has been received by the Santa Maria Public Airport District for each demand, numbers 068005 to 068030, and electronic payments on Pacific Premier Bank and in the total amount of \$291,954.96.

CHRIS HASTERT
GENERAL MANAGER

DATE

The undersigned certifies that the attached register of audited demands of the Santa Maria Public Airport District for each demand, numbers 068005 to 068030, and electronic payments on Pacific Premier Bank in the total amount of \$291,954.96 has been approved as being in conformity with the budget approved by the Santa Maria Public Airport District and funds are available for their payment.

VERONEKA READE
MANAGER OF FINANCE AND ADMINISTRATION

DATE

THE BOARD OF DIRECTORS OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT APPROVED PAYMENT OF THE ATTACHED WARRANTS AT THE MEETING OF JULY 9,2020.

HUGH RAFFERTY
SECRETARY

Santa Maria Public Airport District

Demand Register

Check Number	Check Date	Vendor Name	Check Amount	Description
068005	6/25/2020	Gary Louis Anderson	348.00	Tenant Refund
068006	6/25/2020	AT&T	40.51	Phone Service
068007	6/25/2020	Bomar Security & Investigation	992.00	Security Service
068008	6/25/2020	City of Santa Maria-Util Div	4,474.77	Water Invoices
068009	6/25/2020	Earthbound Electric, Inc	1,245.00	Building Maintenance Terminal
068010	6/25/2020	Ferguson Enterprises, Inc.	179.55	Building Maintenance Terminal
068011	6/25/2020	Frontier Communications	469.62	Telephone Service
068012	6/25/2020	Home Depot	433.33	Building Maintenance
068013	6/25/2020	J B Dewar, Inc	165.68	Fuel Expense - Gas/Diesel
068014	6/25/2020	Mr. Backflow	110.00	Maint. - Backflow Valve
068015	6/25/2020	Principal Financial Group	2,618.74	Dental, Life, Disability, Vision
068016	6/25/2020	Sage Institute Inc.	634.63	Consulting Service
068017	6/30/2020	Aflac	277.56	Voluntary Ins. - Employee
068018	6/30/2020	Architect's Consulting Service	1,000.00	Architect Services
068019	6/30/2020	AT&T	166.38	Phone Service
068020	6/30/2020	Berchtold Equipment Company	1,631.92	Heavy Equip Maint - Mechanical
068021	6/30/2020	Clark Pest Control	330.00	Pest Control - Terminal & Adm.
068022	6/30/2020	Fence Factory	472.11	Fencing & Gates
068023	6/30/2020	Frontier Communications	204.81	Telephone Service
068024	6/30/2020	The Gas Company	287.21	Utilities
068025	6/30/2020	Hillcrest	1,200.00	Consulting Service
068026	6/30/2020	Mission Uniform Service	174.35	Uniform Service
068027	6/30/2020	Sage Institute Inc.	1,450.00	Consulting Service
068028	6/30/2020	SCS Engineers	15,539.40	Workplan for Assesment of PFAS
068029	6/30/2020	Special Dist. Risk Mgmt. Authority	206,367.90	Property/Liabilty Insurance
068030	6/30/2020	Verizon Wireless	927.13	Cell Phones
		Subtotal	<u>241,740.60</u>	

Electronic Payments

6/22/2020 CalPERS	5,195.52 Retirement
6/25/2020 Paychex	25,570.07 Payroll
6/26/2020 Paychex	5,286.21 Payroll Taxes
6/29/2020 Mass Mutual	4,042.60 Employee Paid Retirement
6/30/2020 Card ServiceCenter	63.07 Office Supplies
6/30/2020 Card ServiceCenter	34.17 Office Supplies
6/30/2020 Card ServiceCenter	3,092.32 Computer Service and Supplies
6/30/2020 Card ServiceCenter	1,609.21 Security Services and Signs
7/1/2020 CalPERS	125.67 Retirement
7/7/2020 CalPERS	5,195.52 Retirement
Subtotal	<u>50,214.36</u>
Total	<u><u>291,954.96</u></u>

RESOLUTION 892

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SANTA MARIA PUBLIC AIRPORT DISTRICT UPDATING THE DISTRICT'S
OFFICIAL ADMINISTRATIVE CODE**

WHEREAS, the District maintains an Official Administrative Code which has been amended on previous occasions; and

WHEREAS, it is in the District's best interests to update the Official Administrative Code to reflect changes in the law, clarify the duties of the Board of Directors, and better address the needs of the District through the adoption of an updated Official Administrative Code; and

WHEREAS, the Board of Directors has reviewed the updated Official Administrative Code and now hereby intends to adopt the updated Code pursuant to this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Santa Maria Public Airport District, that the Official Administrative Code attached hereto as Exhibit "A" is hereby adopted as the Santa Maria Public Airport District Official Administrative Code to govern the Santa Maria Public Airport District consistent with its enabling legislation. The updated Official Administrative Code shall supersede the previous Official Administrative Code in its entirety effective immediately.

PASSED AND ADOPTED at the regular meeting of the Board of Directors of the Santa Maria Public Airport District held on July 23, 2020, on Motion by Director _____, Seconded by Director _____ and carried by the following roll call vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

CHUCK ADAMS, President

ATTEST:

HUGH RAFFERTY, Secretary

***OFFICIAL ADMINISTRATIVE CODE OF THE SANTA MARIA PUBLIC AIRPORT DISTRICT**

ARTICLE I

ORGANIZATION AND DUTIES OF THE BOARD OF DIRECTORS

Section 1. General

All powers, privileges and duties vested in or imposed upon the District by law or the California Airport District Act shall be exercised and performed by the board of directors except as such board shall delegate executive, administrative and ministerial powers to officers and employees of the District. The executive officers shall consist of the president, vice-president, secretary, and vice-secretary. The president, vice-president, secretary, and vice-secretary shall serve for a one-year term as provided below.

Section 2. Regular Meetings

Regular meetings of the board of directors will be held at 7:00 P.M. on the second and fourth Thursdays of each month.

Section 3. Regular Meeting Place

Regular meetings of the board of directors shall be held in the Airport Boardroom of the District's administrative office, 3217 Terminal Drive, Santa Maria, California. Special meetings or adjourned regular meetings of the board of directors shall be held at any appropriate location within the boundaries of the District, except as otherwise provided by Section 54954 of the California Government Code as it now or may hereafter be constituted.

It is the policy of the District that directors attend regular and special meetings of the board of directors in person. Except as otherwise approved by the President in advance to accommodate extraordinary circumstances (natural disaster, illness/injury, other similar situations), the use of teleconferencing by directors to attend meetings of the board of directors is prohibited. Requests for approval to attend a meeting by teleconference shall be submitted to the President in a sufficient amount of time in advance of the meeting that will allow staff to satisfy the agenda requirements of California Government Code 54953(b)(3).

Section 4. Special Meetings

Special meetings of the board of directors may be called by the president of the board or by any three members of the board in the manner set forth in Sections 54950 et seq. of the California Government Code as they are now or may be hereafter constituted.

*As amended through [05-23-1907-09-20](#)

Section 5. Organizational Meetings

The board of directors shall hold an organizational meeting at the first regular meeting of the directors in December of each year, at which the board of directors shall elect a president, vice-president, secretary, and vice-secretary of the District, each to hold office for a term of one (1) year and until his or her successor has been elected and qualified.

Section 6. Appointment of Staff Personnel

The board of directors shall appoint the following staff personnel and fix their compensation:

- (1) General Manager/Auditor
- (2) District Counsel

Section 7. Quorum

A quorum of the board of directors consists of the presence of three directors at a particular meeting.

Section 8. Conduct of Meetings

Meetings of the board of directors shall be presided over by the president of the District and in his/her absence the vice-president of the District. If neither the president nor the vice-president is present at a particular meeting, the members present shall, by majority vote, elect a president pro tem who shall preside at the meeting. If at a particular meeting the secretary or vice secretary is not present, the members shall, by majority vote, elect a secretary pro tem for the meeting. Whenever a president pro tem or a secretary pro tem is required, they shall sign and countersign all documents concerning said meeting (such as minutes and resolutions) in the place and stead of the president and secretary.

At all meetings of the board of directors, action upon motions shall be by voice vote unless the presiding officer or any director present requires a roll call. Action upon all resolutions of the board shall be by roll call.

Minutes of the deliberations of the board of directors shall be such as to fairly represent the action taken and not verbatim. A director may, however, make a specific request that a particular remark by him/her on a subject be entered into the minutes verbatim. Any written communication in the possession of any director which in his/her opinion should be included in the minutes of the board of directors shall, at his/her request, be entered into the minutes verbatim.

| *As amended through [05-23-1907-09-20](#)

The presiding officer at a meeting of the board of directors is specifically given the power to vote upon any and all matters brought before the board, move the adoption of any matter before the board, or second such a motion.

Except as has been otherwise provided above, the deliberations of the board of directors shall be in accordance with Roberts Rules of Order, or such other procedural rules as the board may determine.

Section 9. Additional Powers of the Board of Directors

The board of directors, whenever it considers it to be to the advantage of the District, shall cause the following acts to take place (either directly or by delegation) for and on behalf of the District:

- (a) Sue and be sued, except as otherwise provided by law, in all actions and proceedings in all courts and tribunals of competent jurisdiction.
- (b) Adopt a seal and alter it at pleasure.
- (c) Provide and maintain public airports and landing places for aircraft.
- (d) Acquire by purchase, condemnation, donation, lease, or otherwise, real or personal property necessary to the full or convenient exercise of any of its powers or purposes.
- (e) Improve, construct or reconstruct, lease, furnish or refurnish, use, repair, maintain, control, sell or dispose of the property of the District, including any buildings, structures, all other equipment and facilities necessary therefor.
- (f) Subject to necessary approval of the Federal Aviation Administration, sell property of the District which, in its opinion, is not needed for the District's affairs.
- (g) Employ legal counsel in addition to its district counsel and provide all necessary custodians, employees, engineers and attendants for the proper maintenance of the property of the District and the conduct of the affairs of the District for any of its purposes.
- (h) Incur indebtedness, issue bonds or other evidence of the indebtedness and refund or retire any indebtedness of the District.
- (i) Levy and collect taxes for the purpose of operating the District and paying its obligations as permitted under California laws.
- (j) Make contracts, employ labor and do all acts necessary or convenient for the full exercise of any of the powers of the District.

(k) Adopt rules as required governing the use of the District's facilities.

(l) Charge and collect fees, tolls and rentals for the use of all or a part of the aerial facilities of the District at such rates as, so far as possible, will produce revenues sufficient to pay the operating expenses of the District. Provide for repairs and depreciation of the properties of the District and pay interest on the indebtedness of the District.

(m) At any regular meeting remove from office the president or vice-president by the affirmative vote of at least four (4) directors, provided a director had placed the matter of the consideration of such removal on the agenda of the meeting at which it is to be considered at least 14 days prior to the meeting date. Upon such removal, the board of directors shall elect a new president or vice-president by majority vote who, upon such election and his/her qualifications for office, shall hold such office until the next organizational meeting of the board of directors and until his/her successor has been elected and qualified for office. At any regular meeting the board remove from office the secretary or vice-secretary of the District by the affirmative vote of at least three (3) directors, provided a director had placed the matter of the consideration of such removal on the agenda of the meeting at which it is to be considered at least 14 days prior to the meeting date. Upon such removal, the directors shall elect a new secretary or vice-secretary, by majority vote who, upon such election and his/her qualifications for office, shall hold said office at the pleasure of the board and until his/her successor has been elected and qualified for office.

Section 10. Directors' Relations with Staff

The board of directors and its members shall deal with the administrative staff, district counsel, and contractors services of the Santa Maria Public Airport District only through the general manager or the representative designated by the general manager in his/her absence, ~~except for the purpose of inquiry~~. Neither the board of directors nor any member thereof shall give orders or directions to any subordinate of the general manager. The general manager, district counsel, district engineer and manager of finance & administration shall take their orders and instructions from the board of directors only when sitting in a duly held meeting of the board of directors. No individual director shall give orders or instructions to the general manager, district counsel, district engineer, or manager of finance & administration unless such order or instruction is by order or resolution of the board of directors adopted at a duly constituted meeting.

Section 11. Board Action Required

(a) All action of the District shall be taken by the board. No individual board member shall represent a policy as the District's policy, unless said policy has been determined by the board.

(b) The board of directors, acting as a board, shall be the policymakers of the District, establishing policy after receiving necessary information from staff and other persons as deemed necessary.

Section 12. Board Committees

(a) The board of directors may select two members of the board to serve on ad hoc committees to represent the district and/or provide recommendations to the full board for consideration on specific issues as directed and determined by the board. The ad hoc committee meetings shall not constitute a “meeting” under the California Brown Act.

(b) For purposes consistent with Public Utilities Code §22407, any committee member duly participating in a sub-committee meeting shall be entitled to receive compensation not to exceed one hundred dollars (\$100) per meeting, consistent with PUC §22407, plus such other necessary expenses permitted by said statute.

Section 13. Outside Communications

(a) The board of directors assign the role of outside communications to the general manager. Board members shall not individually coordinate or act as an official representative of the District unless authorized by the full board in a duly constituted meeting or during a scheduled ad hoc committee meeting.

Section 14. Censure Policy and Procedure

(a) Background

The Board of Directors of the Santa Maria Public Airport District has a strong commitment to ethics. The public expects and must receive the highest standards of ethics from all of those in public service. In order to be able to enforce conformance to its ethical policies, the Board must have a procedure by which it can censure its own members for violation of its policies or Administrative Code.

(b) Purpose

This Policy and Procedure is intended to provide the mechanism by which the Board, acting as a whole, can discipline and punish any of its members who violate state or federal laws applicable to the District or for violation of the Board Policies or Administrative Code of the Board.

(c) Policy

It is the Policy of the Board that all of its members shall abide by federal and state law that are applicable to members of the Board, as well as to Board Policies or the Administrative Code. Violation of such laws, policies, or code tends to injure the good name of the District and undermine the effectiveness of the Board as a whole. Such conduct is deemed to be a dereliction of duty.

Censure is a formal resolution of the Board officially reprimanding one of its members. Censure is an appropriate punitive measure when the violation of law or policy is deemed by the Board to be a serious offense.

In order to protect the overriding principle of freedom of speech, the Board shall not impose "censure" on any of its members for the exercise of his or her First Amendment rights no matter how distasteful the expression was to the District and Board.

In order to ensure the right to a fair jury trial, the Board shall not impose "censure" on any of its members for the violation of any law while criminal charges are pending. However, when the criminal proceedings are final, the Board need not be bound by the conclusions of the Court and may hold a "censure" hearing.

(d) Procedure

1. A request for a "censure" hearing must be submitted to the general manager in writing by no less than two members of the Board. The request must contain the specific charge(s) on which the proposed censure is based and the written material(s) which are the basis for the charge(s).
2. A copy of the request for censure and the charge(s) shall be sent by the general manager's office to all the members of the Board at least five (5) business days prior the Board meeting at which it will be considered. The request and charge(s) shall be agendized in accordance with the Brown Act for the meeting of the Board.
3. The Board shall determine that either:
 - a. Further investigation of the charges is required; or
 - b. The matter is to be set for public hearing; or
 - c. No action is required.
4. Further investigation, if required, shall be done by an ad hoc Committee appointed by the Board President. If the Board President is the subject of the request, the Committee shall be formed by the Board Vice-President.
5. If the matter is set for public hearing, it must be set no sooner than the next regularly scheduled Board meeting following the Board's determination under Section 3 of these procedures in order to give the accused member adequate time to prepare a defense.

6. At the public hearing, the member of the Board subject to the request shall be given the opportunity to respond to the request and to provide the Board information and material(s) relevant to the charge(s). The proponents of the request may also respond to the presentation and members of the Board may ask questions pertaining to the matter at hand. The member subject to the charge(s) may be represented at his or her own personal expense and may have the representative speak on his or her behalf.
7. A decision to censure requires the adoption of a Resolution making findings with regard to the specific charge(s), based on substantial evidence, and approved by a two-thirds vote of the Board.

Section 15. Director Compensation for Attendance at Meetings

(a) Directors shall receive compensation in an amount not to exceed one hundred dollars (\$100) for each attendance at a meeting of the Board, including attendance at committee meetings in accordance with Article I, Section 12(b). This amount shall be the maximum compensation allowable to a board member on any given day. Pursuant to Public Utilities Code § 22407, the Board may adopt an ordinance to increase the amount of compensation received for attendance at a Board meeting. The increase may not exceed an amount equal to five percent for each calendar year following the operative date of the last adjustment of the compensation which is received when the ordinance is adopted.

(b) Directors may receive compensation for attendance of up to six meetings in any calendar month. Attendance by directors of up to six meetings in any calendar month is necessary for the effective operation of the district because the airport operating budget has grown from approximately \$756k to over \$4 million, the City of Santa Maria population has grown from 40k to over 108k, the capabilities of the airport have grown with a 27% extension in runway length, and regulatory requirements have added much complexity to development of the several hundred acres of remaining vacant land. In accordance with Public Utilities Code § 22407, the Board shall annually make written findings supported by substantial evidence that that more than four meetings per month are necessary for the effective operation of the District.

ARTICLE II

DUTIES AND QUALIFICATIONS OF THE PRESIDENT

Section 1. General

The president of the District shall be its chief executive officer and a member of its board of directors.

Section 2. Term of Office

The term of office of the president commences upon his/her election and qualification for said office. The president shall hold office for a term of one year and until his or her successor is elected and qualified, subject to the pleasure of the board. Nothing in this section shall prevent the president from serving successive terms if reelected.

Section 3. Meetings of the Board of Directors

The president shall preside at meetings of the board of directors and shall have the power to call special meetings of said board of directors on his/her own motion provided Sections 54950 et seq. of the California Government Code are complied with.

Section 4. Agenda

The president shall prepare an agenda for each meeting of the board of directors. The president shall consider any matter requested by a director for inclusion on the agenda, however the president may use his/her discretion as to which items are listed. The agenda shall also contain any matter requested by a majority of the board.

Section 5. Voting at Meetings

The president, or any director presiding in his/her place may vote upon matters brought before the board, move the adoption of any matter before the board, or second such a motion.

Section 6. Contracts, Minutes and Resolutions

The president shall sign, on behalf of the District, all minutes and resolutions of the board of directors, and all contracts, except those contracts specifically delegated to the general manager under Article VII, Section 1, of this Code

Section 7. Reports

The president may require reports from the District's general manager, manager of finance & administration, and district counsel, to be brought back to the board.

*As amended through [05-23-1907-09-20](#)

Section 8. Litigation

Whenever the facts are within his/her knowledge, the president is empowered to verify complaints or other pleadings, for or on behalf, of the District.

Section 9. Additional Duties

The president shall perform such additional duties as are directed by the board of directors or by applicable law.

ARTICLE III

DUTIES AND QUALIFICATIONS OF THE VICE-PRESIDENT

Section 1. General

The vice-president of the District shall be its assistant chief executive officer and a member of the board of directors.

Section 2. Term of Office

The term of office of the vice-president commences upon his/her election and qualification for said office. The vice-president shall hold office for a term of one (1) year and until his or her successor is elected and qualified, subject to the pleasure of the board. Nothing in this section shall prevent the vice-president from serving successive terms if reelected.

Section 3. Duties

In the absence of the president, the vice-president shall perform all of the duties of the president.

Section 4. Reports

The vice-president may require reports from the District's general manager, manager of finance & administration, and district counsel, to be brought back to the board.

Section 5. Litigation

Whenever the facts are within his/her knowledge, the vice-president is empowered to verify complaints or other pleadings for, or on behalf of, the District.

Section 6. Additional Duties

The vice-president shall perform such additional duties as are directed by the board of directors or by applicable law.

ARTICLE IV

DUTIES AND QUALIFICATIONS OF THE SECRETARY

Section 1. General

The secretary shall be a member of the board of directors.

Section 2. Term of Office

The term of office of the secretary commences upon his/her election and qualification for said office. The secretary shall hold office for a term of one (1) year and until his or her successor is elected and qualified, subject to the pleasure of the board. Nothing in this section shall prevent the secretary from serving successive terms if reelected.

Section 3. Contracts, Minutes & Resolutions

The secretary shall countersign on behalf of the District all minutes and resolutions it's the board, and all contracts of the District, except those contracts specifically delegated to the general manager under Article VII, Section 1, of this code. When required, the secretary shall further affix to said documents the seal of the District over his/her signature.

Section 4. Litigation

Whenever the facts are within his/her knowledge, the secretary is empowered to verify complaints and other pleadings for, or on behalf of, the District.

Section 5. Reports

On his/her own motion, the secretary may require reports from the District's general manager, manager of finance and administration, and district counsel, which reports, when received, shall be brought to the attention of the board of directors, if in the opinion of the secretary they require consideration by said board.

Section 6. Additional Duties

The secretary shall perform such additional duties as are directed by the board of directors or by applicable law.

ARTICLE V

DUTIES AND QUALIFICATIONS OF THE VICE-SECRETARY

Section 1. General

The vice secretary of the District shall be a member of the board of directors.

Section 2. Term of Office

The term of office of the vice-secretary commences upon his/her election and qualification for said office. The vice secretary shall hold office for a term of one (1) year and until his/her successor is elected and qualified, subject to the pleasure of the board. Nothing in this section shall prevent the vice-secretary from serving successive terms if reelected.

Section 3. Duties

In the absence of the secretary of the District, the vice-secretary shall perform all of the duties of the secretary of the District.

Section 4. Litigation

Whenever the facts are within his/her knowledge, the vice secretary is empowered to verify complaints or other pleadings for, or on behalf of, the District.

Section 5. Additional Duties

The vice-secretary shall perform such additional duties as are directed by the board of directors or by applicable law.

ARTICLE VI

DUTIES AND QUALIFICATIONS OF THE DISTRICT COUNSEL

Section 1. General

The district counsel shall be the chief legal officer of the District. He/She shall be appointed by the board of directors, shall serve at its pleasure and shall be directly responsible to the board. The district counsel shall have a juris doctorate of law from a college or university duly accredited by the American Bar Association. He/she must be an active member of the State Bar of the State of California and be well qualified by reason of education and experience to perform legal functions for the District.

Section 2. Preparation of Resolutions, Contracts, etc

District counsel shall review or prepare all resolutions, contracts, leases and other documents of legal nature required for the conduct of the affairs of the District as directed by the board of directors. When particular contracts and leases have been prepared by him/her, he/she shall approve them as to form in writing and submit them to the board of directors for its consideration. It shall be his/her duty to see to it that a lease or contract is duly executed by the other parties of the lease or other contract and has been approved as to content by the general manager.

Section 3. Bonds

All labor and material, faithful performance and other bonds running in favor of the District shall be approved as to form by the district counsel.

Section 4. Litigation

Except to the extent of participation prohibited by law in small claims court actions, the district counsel shall conduct all litigation in which the district is from time to time engaged. He/She shall make recommendations to the board of directors concerning the advisability of commencing litigation and the compromise or settlement of potential or existing litigation. Court actions commenced by District the must be authorized by the board of directors. Notwithstanding the foregoing, the general manager may, with the concurrent written notification to the members of the board of directors of the filing of the action authorize and direct actions be brought for recovery of rent owed to the District by tenants and former tenants of the District, including an unlawful detainer action for forfeiture of a lease of a tenant who is in default in the payment of rent and for recovery of possession of the leased premises after noncompliance by the tenant with a notice to pay rent or quit the premises. Such actions authorized by the general manager, if appropriate, may be filed and prosecuted in the small claims court.

Section 5. Additional Counsel

Whenever, in his/her opinion, the board of directors should consider the employment of outside counsel as to a particular matter, pursuant to Section 22554 of the California Public Utilities Code, district counsel shall promptly advise the board of directors of this fact.

Section 6. Attendance at Meetings

Unless excused, the district counsel shall attend meetings of the board of directors and render, at such meetings, legal advice to the board of directors.

Section 7. District Staff

The district counsel shall render legal assistance to the District's board of directors, its president, general manager, manager of finance and administration and other employees authorized by the general manager as is required in the performance of their duties.

Section 8. Legislation

The district counsel shall advise the board of directors of any legislation the District might consider sponsoring to aid it in conducting its affairs. He/She shall further advise the board of directors of prospective legislation sponsored by others and as to how it would affect the District.

Section 9. Elections

The district counsel shall prepare all documents required for the conduct of elections of the District and shall assist the secretary of the District in the proper conduct of District elections.

Section 10. Administrative Bodies

Whenever required by the board of directors so to do, the district counsel shall appear before various administrative divisions and agencies of the state, and administrative and legislative bodies of the United States Government concerning affairs of the District.

Section 11. Delegation of Duties

Subject to the approval of the board of directors, the district counsel may appoint employees to carry out the functions of his/her position under his/her supervision. Such employees shall serve at his/her pleasure.

Section 12. Additional Duties

The district counsel shall perform such additional duties as are required by the board of directors or applicable law.

ARTICLE VII

DUTIES AND QUALIFICATIONS OF THE GENERAL MANAGER

Section 1. General

The general manager shall be the chief administrative officer of the district. He/She shall be appointed by the board of directors and shall serve at its pleasure. The general manager shall have had extensive administrative experience in the planning, coordination and financing of the varied activities of the airport district. The board of directors delegates to the general manager the authority to execute, on behalf of the District, the following contracts, permits and agreements:

- (a) All month-to-month aircraft and storage hangar leases at the Santa Maria Public Airport;
- (b) All contracts for professional or specialized services costing \$25,000 or less that are within an existing budget account;
- (c) All contracts for purchases of materials, supplies and equipment costing \$25,000 or less that are within an existing budget account or are for a budgeted item and are acquired in accordance with the provisions of Article VIII;
- (d) All contracts for public projects costing less than \$25,000 that are obtained in compliance with the provisions of Article VIII;
- (e) All commercial use permits;
- (f) License agreements meeting the following criteria:
 - (i) Use for a period less than one (1) week;
 - (ii) Based on a standard fee;
 - (iii) Does not request the payment of District funds or the uncompensated use of District personnel or equipment;
 - (iv) Does not adversely impact the operations of the Airport;
- (g) All mobile home space leases in the Airport Mobile Home Park for a term previously authorized by the board.

However, if in the opinion of the general manager, any matter may be controversial or would be more appropriately considered by the Board, the matter may be referred to the Board for consideration.

Section 2. Appointment of Employees

The general manager, subject to the review of the board of directors, shall have authority and responsibility for the selection, appointment, and direction of all employees of the District, except those employees and officers appointed directly by the board of directors.

Section 3. Supervision of Work

It shall be the general manager's responsibility to carry out the directions of the board of directors concerning the affairs of the District and he/she shall directly supervise employees of the District in the performance of their duties.

Section 4. Reports

The general manager shall prepare and deliver to the board of directors the following reports:

1. A proposed budget for the ensuing year with all relevant supporting data. Said proposed budget shall be delivered to the board of directors no later than May of each year.
2. A narrative report of the airport district for the prior fiscal year. Said report shall be submitted prior to September 1 of each year, or within thirty (30) days of the board of directors' receipt of the annual independent audit of the District's fiscal affairs, whichever occurs last.
3. Such other reports as the board may request.

Section 5. Surplus Property

Whenever, in the opinion of the general manager, District owns property not required for District purposes, it shall be his/her duty to so advise the board of directors as soon as practicable.

Section 6. Temporary Absence

Whenever the general manager is temporarily absent from the District, the duties of the general manager shall be performed by the following, in the order named:

1. Manager of finance and administration
2. An employee designated by the general manager
3. An individual designated by a majority of the board of directors.

Section 7. Attendance at Meetings

Unless otherwise directed or excused by the board, the general manager shall attend all meetings of the board of directors. The general manager shall inform the board of directors at the regular meeting of the board of all significant or important matters concerning the Santa Maria Public Airport District of which he/she has knowledge, and

with the consent of any director cause to be placed upon the agenda of the board of directors any matter concerning the affairs of the District.

Section 8. Emergencies

The general manager shall perform all acts necessary to deal with emergencies affecting property of the District or property situated thereon. In the event of a serious emergency, the general manager shall use his/her best efforts to have each director advised of the emergency as quickly as practicable.

Section 9. Litigation

Whenever the facts are within his/her knowledge, the general manager is empowered to verify complaints or other pleadings for or on behalf of the District

Section 10. Files, Records of Board Deliberations

The general manager shall be the chief custodian of the official files and records of the District and shall supervise creation and maintenance of accurate records of the deliberations of the board of directors.

Section 11. Custody of Records

The general manager shall ensure the safekeeping of all official books and records of the District, including the Book of Minutes and the Book of Resolutions, except securities. The general manager may certify to the authenticity of a copy of any document of the District in his/her possession and affix to such certification the seal of the District.

Section 12. Minutes and Resolutions

The general manager shall ensure that the District keeps records and minutes of the board of directors in a book maintained for the purpose entitled "Book of Minutes of Board of Directors of Santa Maria Public Airport District". All resolutions of the board of directors shall be kept in a book maintained for that purpose entitled "Book of Resolutions of Board of Directors of Santa Maria Public Airport District

Section 13. Seal of the District

The general manager shall ensure the safekeeping of the official seal of the District.

Section 14. Auditor Functions

The general manager shall perform the responsibilities of auditor required under Public Utilities Code §22441, i.e., he/she shall install and maintain a system of auditing and accounting which shall competently and at all times show the financial condition of the

*As amended through [05-23-1907-09-20](#)

District. He/She shall draw warrants to pay demands made against the District if the demands have been approved by at least three (3) directors.

Section 15. Delegation of Duties

Subject to the approval of the board of directors, the general manager may appoint employees to carry out the functions of his/her position under his/her supervision. Such employees shall serve at his/her pleasure.

Section 16. Additional Duties

The general manager shall perform such additional duties as required by the board of directors or by applicable law.

ARTICLE VIII

RESPONSIBILITIES, DUTIES AND QUALIFICATIONS OF THE MANAGER OF FINANCE AND ADMINISTRATION

Section 1. General

The manager of finance and administration shall be the treasurer of the District and its chief accounting officer. The manager of finance and administration shall be experienced and qualified in accounting procedures.

Section 2. Duties and Responsibilities as Treasurer

The manager of finance and administration shall be the custodian of all money and investments of the District. He/She shall cause all money and investments, except the petty cash fund, to be deposited as soon as practicable in designated accounts.

Warrants No moneys shall be paid out of said accounts except by warrants to pay demands against the District that have been approved by a majority vote of the board or as hereinafter provided. The manager of finance and administration will draw and sign all authorized warrants, which shall be signed by at least one director.

Procedures for Payment or Rejection of Demands; Demand Register

The following procedures will apply to the approval and authorization of payment of claims and demands received against the District:

The manager of finance and administration shall prepare at least monthly a register of all demands received by the District which have not been authorized for payment or rejected by the board. The demands shall consist of three types, as follows:

(1) Recurring Demands Recurring items such as utility and telephone bills due and payable, wages and salaries payable within the next succeeding month, and maintenance items (hereinafter referred to as "Recurring Demands").

(2) Nonrecurring Demands Those demands, other than recurring demands, which have been approved for payment by the general manager and manager of finance and administration.

(3) Rejected Demands Those demands which are not recommended for payment by the general manager and/or manager of finance and administration.

The demand register will be presented to the directors for authorization of payment. The general manager will endorse the demand register and the manager of

finance and administration shall certify on the demand register that those demands are budgeted, allowable and available.

One director may authorize payment of the recurring demands, which have been recommended for payment by the general manager and the manager of finance and administration, by signing an authorization for such. Such payments shall be noted on the demand register. All other demands on the demand register shall be presented to the board of directors for authorization of payment or rejection.

Legal Investments: Accounts Whenever directed by the board of directors, the manager of finance and administration shall purchase for the District securities or other investments which are legal investments for the District and authorized by the District's Investment Policy, and deposit them in the accounts designated by the board of directors for such purpose. Securities so deposited shall not be withdrawn from such accounts without authorization by the board of directors and the signature of the president of the board of directors or some other director designated by the president for such purpose, provided however, the manager of finance and administration is authorized to renew certificates of deposit for periods not in excess of six months and withdraw such expired certificates of deposit, which have been so renewed, from their depositories for cancellation and provided, further, the manager of finance and administration is authorized to transfer funds between the District's general fund and the District's account with the Local Agency Investment Fund of the State of California.

All promissory notes or other evidence of indebtedness received by the District shall be kept in fireproof storage.

The manager of finance and administration shall issue appropriate receipts for all moneys and securities coming into his/her possession, properly account therefor and at regular intervals report to the board thereon. His/her accounts and reports shall indicate the institutions in which moneys and securities are placed, the amounts of money and list of securities placed with each depository.

Fiscal Statements The manager of finance and administration shall, at the end of each fiscal year, prepare and submit to the board of directors a statement showing the receipts and disbursements during the year and a certified inventory of cash, securities, bank deposits and all other financial assets of the District. The manager of finance and administration shall, each month, prepare and submit to the board of directors, a statement showing the receipts and disbursements during the previous calendar month.

Section 3. Duties and Responsibilities as Accountant

The manager of finance and administration shall install and maintain a system of auditing and accounting which shall competently and at all times show the financial condition of the District.

In addition, the manager of finance and administration shall have the following duties:

| *As amended through [05-23-1907-09-20](#)

(a) Be responsible for all accounting and internal auditing functions of the District and its officers and be custodian of the District's permanent accounting records.

(b) Keep current accounts of all funds, revenues, receipts, expenditures and financial commitments of the District.

(c) Advise the board of directors and District personnel concerning rate of expenditure of appropriated items to minimize potential expenditure in excess of appropriations. He/She shall be responsible that no demands requiring a budget deviation are presented to the board without the board of directors' prior approval of a budget deviation.

(d) Prepare and issue all warrants.

(e) Audit the standard time sheets showing the time worked by all employees and prepare and distribute all warrants covering the payroll.

(f) Supervise the preparation and issuance of all bills of the District.

(g) Prepare financial and statistical statements.

Section 4. Attendance at Meetings

Unless excused by the general manager, the manager of finance and administration shall attend meetings of the board of directors.

Section 5. Budget

The manager of finance and administration shall assist in the preparation of the District's budget for each fiscal year.

Section 6. Additional Duties

The manager of finance and administration shall perform additional duties and responsibilities as are directed by the board or applicable law.

ARTICLE IX

REGULATIONS GOVERNING PURCHASING OF MATERIALS, SUPPLIES AND EQUIPMENT, SERVICES, SALES OF PROPERTY AND LETTING OF PUBLIC PROJECT CONTRACT

Section 1. General

Purchasing of all materials, supplies, services and equipment required by District should provide maximum benefits to District with minimum expenditure. Purchases shall be made in economical quantities with a competitive pricing process by vendors where possible. Except for case of emergency as provided in this article, no purchases shall be made except upon express authorization of the board of directors unless said purchases are for items already budgeted and for which funds are available. The regulations in this section have been devised for this purpose and shall be followed.

Section 2. Delegation of Authority

The board of directors hereby delegates the District's general manager and, in his /her absence, the designated employee in charge at the Santa Maria Public Airport to make the purchases set forth in Section 3 below.

Section 3. Emergencies

In case of emergency directly affecting property of the District which emergency cannot, in the opinion of the general manager, be dealt with by acting under any other provision of this article, then the general manager or in his absence the employee in charge of the Santa Maria Public Airport, is empowered to purchase for the District such supplies, equipment, services and materials as are required because of such emergency prior to the time such purchases can be made under other provisions of this article.

Section 4. Expenditures up to \$25,000

(a) Except as provided in subsection (b) below, when expenditures are required for a budgeted item and the cost involved is \$25,000 or less, the general manager shall procure the item involved or contract for services from the lowest responsible vendor after first obtaining three informal quotations.

(b) The above requirements regarding the obtaining of three informal quotations do not apply to the following:

(i) Miscellaneous services such as telephone, telegraph, light, power and water where rates or prices are fixed by legislation or by federal, state, county or municipal regulations.

(ii) Where the items involved are not readily obtainable on the open market, in which case the reasons for not securing three such quotations shall be documented in writing.

(iii) Where the item's cost is less than \$2,500 and the general manager has concluded that the price for the item involved will not vary in any material degree between various vendors. To the extent feasible, such purchases will be made from vendors within the District.

(iv) Contracts involving the acquisition of professional or specialized services such as, but not limited to, those rendered by architects, attorneys, accountants, engineers, and other specialized consultants.

(c) A faithful performance bond of not less than one hundred percent (100%) of the contract price, and a payment bond of not less than one hundred percent (100%) of the contract price shall be required for all projects in excess of \$10,000.

Section 5. Expenditures for Amounts in Excess of \$25,000

(a) Expenditures with an estimated cost which exceeds \$25,000 shall be at the direction of the board of directors only with the exception of purchases made under section 3 above. Except as provided in subsection (b) below, such purchases or contracted services shall be from the lowest responsible vendor after first obtaining three informal quotations.

(b) The above requirements regarding the obtaining of three informal quotations do not apply to the following:

(i) Where the items involved are not readily obtainable on the open market, in which case the reasons for not securing three such quotations shall be documented in writing.

(ii) Contracts involving the acquisition of professional or specialized services such as, but not limited to, those rendered by architects, attorneys, accountants, engineers, and other specialized consultants.

(c) A faithful performance bond of not less than one hundred percent (100%) of the contract price, and a payment bond of not less than one hundred percent (100%) of the contract price shall be required.

This section shall not prohibit the District from requiring a public bid process if, in the discretion of the District, selection based upon the evaluation of public bids would better serve the interest of the District.

Section 6. Sale of Property of District

Subject to the requirements of California Public Utilities Code section 2253.5 and with Federal Aviation Administration approval if necessary, whenever the board of directors determines by a majority vote District owns property in its opinion not needed for the District's affairs, it may order said property sold upon such terms and conditions as they determine appropriate.

Section 7. Public Projects

As used in this article "public project" means a project for the construction, improvement and repair of public buildings and works of the District, streets, sewer and storm drains of the District, except work to be performed by District's own forces.

Section 8. Requirement That Expenditures For Public Project of \$50,000 or More Be Submitted to Public Bid

When the expenditure required for a public project is \$50,000 or more, it shall be contracted for and let to the lowest responsible bidder after notice. Where the expenditure required for a public project is less than \$50,000, the requirement for public notice is dispensed with, but informal bids shall be received. The restrictions and provisions of this section shall not apply to contracts involving the acquisition of professional or specialized services such as, but not limited to, those rendered by architects, attorneys, accountants, engineers, and other specialized consultants. Selection for such services will be made by an evaluation of proposals solicited from capable and competent professionals, and approved by the Board of Directors, whenever the cost of the work to be performed is of an estimated value in excess of \$50,000. This section shall not prohibit the District from requiring public bids for work with an estimated cost of less than \$50,000 if, in the discretion of the District, selection based upon the evaluation of public bids would better serve the interest of the District.

If there is a great public calamity, as an extraordinary fire, flood, storm, epidemic or other disaster, or if it is necessary to do emergency work to prepare for national or local defense, the board of directors may pass a resolution by four-fifths vote of its members declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property. Upon adoption of this resolution, it may expend any sum required in the emergency without complying with this article.

Section 9. Notice Inviting Bids; to Set Date For Opening; Publication or Posting; to State Project to be Done

The notice inviting bids shall set a date for the opening of bids. The first publication or posting of the notice shall be at least ten days before the date of opening the bids. Notice shall be published at least twice, at least five days apart in a newspaper adjudicated, a newspaper of general circulation in the State of California having

*As amended through [05-23-1907-09-20](#)

significant subscribers within the District, or if there is none, it shall be posted in at least three public places in the District that have been designated by resolution as the places for posting public notices. The notice shall distinctly state the project to be done. If the notice includes a requirement for any type of mandatory pre-bid conference, site visit or meeting, it shall include the time, date and location of the mandatory pre-bid site visit, conference or meeting, and when and where project documents, including final plans and specifications are available. Any mandatory pre-bid site visit, conference or meeting shall not occur within five calendar days of the publication of the initial notice, pursuant to Public Contract Code §6610.

Section 10. Rejection of Bids; Readvertisement; Bids the Same; Lack of Bids

At its discretion the board of directors may reject any bids presented and re-advertise. If two or more persons are the lowest responsible bidders, the board of directors may accept the bid it chooses among the lowest responsible bidders. If no bids are received, the board of directors may have the project done without further complying with the provisions of this article as to notice or letting of contract to the lowest responsible bidder.

Section 11. Resolution to Perform Project by Day Labor or to Furnish Materials and Supplies in Open Market; Adoption; Effect

After rejecting bids, the board of directors may pass a resolution by a four-fifths vote of its members declaring that the project can be performed more economically by day labor or the materials or supplies furnished at a lower price in the open market. Upon adoption of the resolution, it may have the project done in the manner stated without further complying with this article.

Section 12. Bids to be Presented under Sealed Cover; to be Accompanied by Security

All bids shall be presented under sealed cover and accompanied by one of the following forms of bidder's security:

- (a) Cash
- (b) Cashier's check made payable to the District
- (c) A certified check made payable to the District
- (d) A bidder's bond executed by an admitted surety insurer made payable to the District

Section 13. Amount of Security; Necessity for Security

The security shall be in an amount equal to at least 10 percent of the amount bid. A bid shall not be considered unless one of the forms of bidder's security is enclosed with it.

Section 14. Forfeiture of Security upon Failure to Execute Bid

If the successful bidder fails to execute the contract, the amount of his bidder's security shall be forfeited to the District, except as hereinafter provided.

Section 15. Deposit of Cash or Proceeds

Upon forfeiture of security, the cash or proceeds shall be deposited in the fund out of which the expenses of preparation and printing of the plans and specifications, estimates of cost and publication of notice are paid.

Section 16. Award of Bid to Next Lowest Bidder; Application of Lowest Bidder's Security

The board of directors may on refusal or failure of the successful bidder to execute the contract award it to the next lowest responsible bidder. If the board of directors awards the contract to the next lowest responsible bidder, the amount of the lowest bidder's security shall be applied by the District to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder if cash or a check is used, or to the surety on the bidder's bond if a bond is used.

Section 17. Applicable Federal Regulations

Contracts for public projects shall also comply with all applicable statutes, rules and regulations of the United States Government and agencies thereof, and the State of California and agencies thereof.

Section 18. Faithful Performance Bond

In connection with a public project involving an expenditure in excess of \$50,000, it shall be the policy of the District to require a successful bidder to deposit with the District at the time of execution of the contract, a faithful performance bond in the penal sum equal to 100 percent of the total contract price executed by the successful bidder as principal and by a corporate surety company acceptable to the District as surety. A payment bond shall be deposited when required by Civil Code §3247. In connection with a public project involving an expenditure of \$50,000 or less, the District may, at its discretion, require a successful bidder to deposit with the District at the time of execution of the contract, a faithful performance bond and/or a payment bond, each in the penal sum equal to 100 percent of the total contract price executed by the successful bidder as principal and by a corporate surety company acceptable to the District as surety.

*As amended through [05-23-1907-09-20](#)

ARTICLE X

PROPOSED JOB SPECIFICATIONS AND SALARY SCHEDULES FOR EMPLOYEES

Section 1. Job Specifications Manual

The general manager shall prepare a job specifications manual and shall submit it to the board of directors for its approval. The manual shall classify each position required for necessary work of the District by employees not appointed directly by the board of directors. For each position the manual shall give (a) a general description of the position; (b) the typical tasks which the holder of the position will be called upon to perform; and (c) the employment standards for the position, giving education and experience requirements.

After making such changes as they deem necessary, the board of directors shall adopt the job specifications manual. After adoption of such a manual, the general manager shall distribute to each employee of the District the portion of the manual covering his position and shall use it as criteria for the employment, promotion and discharging of personnel.

Whenever the general manager is of the opinion the job specifications manual should be changed to add or delete a position, he shall so inform the board of directors and in any event shall advise the board in writing at the time of presentation of the preliminary budget for the next fiscal year as to whether, in his opinion, the job specifications manual need be altered or not. Upon request by the general manager to add or delete a position, the board shall approve or disapprove such a request. The general manager is authorized to change the title of the position and the typical tasks which the holder of the position is called upon to perform without board approval, as long as the general description of the position remains the same.

Section 2. Salary Schedules; Employment

The general manager shall prepare and submit to the board of directors a list of classified positions and recommended salary range for each position. After making such changes as it deems necessary, the board of directors shall adopt a salary range for each classified position.

Whenever possible, personnel shall be employed at the minimum rate shown for their positions and in no event may the general manager employ a person without first obtaining the consent of the board of directors for a salary greater than the median salary in the salary range for his/her position.

From time to time the board of directors shall examine the salary ranges for each classified position to determine whether or not they should be altered. The general manager, after performance evaluation, shall decide whether a particular employee should be reclassified, receive the next higher salary step, be retained in a salary step level, or be demoted.

*As amended through [05-23-1907-09-20](#)